

Application No. 10/722,470

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**Remarks/Arguments**

In response to the Office Action, the applicants offer the following remarks. Claims 1, 3, 4, 10, 14 and 15 have been amended, claims 2, 7, 9 and 16 have been cancelled and claim 17 has been added. Claims 1, 3 to 6, 8, and 10 to 15 and 17 are pending in the present patent application. No new matter has been added to the claims by this response. Support for the amendments can be found throughout the present patent application, including the drawings and claims as originally filed.

**1. Claim objection**

The Office Action objects to claim 15 since the feature "covered by layers of woven synthetic yarn" is not shown in the drawings. As suggested by the Examiner, claim 15 has been amended in order to remove this feature. Withdrawal of the Examiner's objection is therefore earnestly solicited.

**2. Rejections under 35 U.S.C. § 102 and § 103**

The Examiner rejects claims 1, 2, 8 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,497,070 (Cho). The Examiner also rejects claims 3 to 7 and 14 under U.S.C. § 103(a) as being obvious having regard to Cho in view of U.S. Patent 5,405,312 (Jacobs). The Examiner further rejects claims 9 to 12 under 35 U.S.C. § 103(a) as being obvious having regard to Cho in view of U.S. Patent 6,226,796 (Tollini). Lastly, the Examiner rejects claims 13 and 15 under 35 U.S.C. § 103(a) as being obvious having regard to Cho in view of Tollini as applied to claim 12, and further in view of U.S. Patent 5,829,055 (Collins).

The applicants respectfully request reconsideration of these rejections in view of the following remarks.

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**Patentability of claims 1, 3 to 6, 8 and 10 to 15**

According to MPEP § 706.02, in order to reject independent claim 1 under 35 U.S.C. § 102(b) as being anticipated by Cho, the Examiner must determine that such reference teaches every aspect of the claimed invention, either explicitly or implicitly. Any feature not directly taught in Cho must be inherently present.

There are no grounds for an anticipation rejection of amended claim 1 since Cho does not disclose nor suggest the following highlighted features:

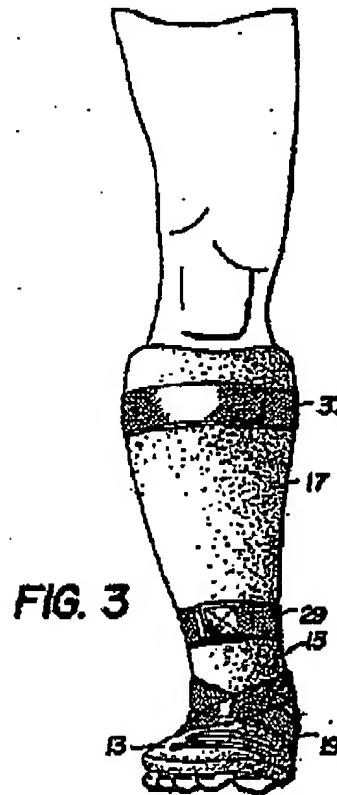
1. **A leg pad for a hockey player having a leg with a knee and a shin, said leg pad comprising:**

- (a) **a knee guard for covering the knee of the hockey player;**
- (b) **a shin guard extending along the shin of the hockey player and wrapping partially around the leg of the hockey player; and**
- (c) **a strap comprising:**
  - i) **a first section having a first end portion releasably affixed to said shin guard, said first section comprising a rear surface facing said shin guard and a front surface comprising a front affixing portion;**
  - ii) **a second section extending from said first section, said second section comprising a rear surface; and**
  - iii) **a third section extending from said second section, said third section comprising a rear surface having a rear affixing portion, wherein, in use, said rear surface of said second section faces a back portion of the leg, and said third section at least partially overlaps said first section such that the hockey player can engage said rear affixing portion of said third section with said front affixing portion of said first section for securing said leg pad to the leg.**

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As shown in Figure 3, Cho discloses a device that only covers the front parts of the shin and foot of the wearer:



Cho does not therefore disclose nor suggest a pad having a knee guard for covering the knee as recited in claim 1.

Moreover, contrary to the claimed leg pad for a hockey player, the device of Cho is clearly not intended to be used by a hockey player.

Cho discloses straps 19, 29, 37. The first end of each of these straps is affixed to the shin guard: "[e]nd 31 is secured to the middle portion of the protective device by means such as an adhesive or the like. [...] Strap 37, constructed in a manner similar to strap 19, is secured at end 39 to the upper portion of the protective device in a similar manner." (Column 3, lines 2-10 of Cho).

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Cho does not therefore disclose nor suggest a strap having a first end portion **releasably** affixed to the shin guard as recited in claim 1 since the first end of the strap of Cho is permanently affixed to the device.

Withdrawal of the Examiner's rejection and allowance of claim 1 are therefore earnestly solicited. Because claims 3 to 6, 8, and 10 to 15 depend from independent claim 1 and include by reference all of the features recited in this claim, allowance of these claims is also earnestly solicited.

#### **Patentability of new claim 17**

There are no grounds for an anticipation rejection of new claim 17 since Cho does not disclose nor suggest the following highlighted features:

17. **A leg pad for a hockey player having a leg with a knee and a shin, said leg pad comprising:**

- (a) **a knee guard for covering the knee of the hockey player, said knee guard being made of plastic;**
- (b) **a shin guard extending along the shin of the hockey player and wrapping partially around the leg of the hockey player, said shin guard being made of plastic and comprising a right aperture proximate to a right side of said shin guard and a left aperture proximate to a left side of said shin guard; and**
- (c) **a strap comprising:**
  - i) **a first section comprising a rear surface facing said shin guard and a front surface comprising a front affixing portion;**
  - ii) **a second section extending from said first section, said second section comprising a rear surface; and**
  - iii) **a third section extending from said second section, said third section comprising a rear surface having a rear affixing portion, wherein, in use, said rear surface of said second section faces a back portion of the leg, and said third section at least partially overlaps said first section such that the hockey player can engage said rear affixing portion of said third section with said front affixing portion of said first section for securing said leg pad to the leg, and wherein said first end portion wraps around an edge of said shin guard, passes through one of said right and left**

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**apertures and is releasably affixed to a remaining portion of said first section.**

Allowance of new claim 17 is therefore earnestly solicited.

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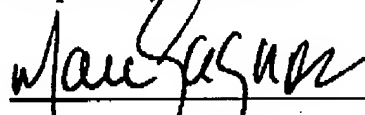
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**CONCLUSION**

In view of the above amendments and remarks, it is respectfully submitted that all rejections and objections raised by the Examiner have been addressed and overcome by the present response and each of pending claims 1, 3 to 6, 8, 10 to 15, and 17 is in condition for allowance. Allowance of claims 1, 3 to 6, 8, 10 to 15, and 17, and issuance of the Notice of Allowance are respectfully solicited.

The Examiner is invited to call the applicants' undersigned representative if any further amendments will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present response. If the claims of the application are not believed to be in full condition for allowance, for any reasons, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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